

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 10-20581

JOHN WILSON,

Defendant.

ORDER DENYING DEFENDANT'S "MOTION FOR RELIEF FROM GOVERNMENT'S VIOLATION OF ATTORNEY-CLIENT AND WORK PRODUCT PRIVILEGES"

Defendant John Wilson was charged in a 71-count indictment on September 30, 2010, with, *inter alia*, mail fraud in violation of 18 U.S.C. § 1341. Pursuant to two search warrants, federal law enforcement on November 5, 2009, searched Defendant's business office and residence. A tremendous number of documents were seized and placed in storage that same day. On November 12, 2009, Defendant, through counsel, asserted to the Government that some of those seized documents were likely protected by the attorney-client privilege. The Government's case agent, who up until that time had not reviewed any of the documents, was instructed to refrain from doing so. A "privilege review team" (government attorneys and agents who would not be involved in the prosecution of case) was established on November 23, 2009, to review, identify and cull or separate potentially privileged documents.

The parties have recently engaged in a series of unfruitful communications. Defendant requested the Government to turn over the privileged documents while the Government would agree to do so only if Defendant established an attorney-client

relationship with each attorney to whom he claimed the privilege and then signed a waiver of the privilege for each of those attorneys. Defendant filed this motion on July 25, 2012, asking the court to compel various forms of discovery so that he can determine to what extent his attorney-client and work product privileges were violated. The court conducted a hearing on September 20, 2012. As stated in the hearing, the court anticipates that the Defendant will now proffer and file a list of attorneys with whom it is claimed that Defendant maintained an attorney-client relationship, and the duration of each, and that the Government will thereupon make available to Defendant copies of the culled documents. For these and the other reasons stated on the record,

IT IS ORDERED that Defendant's "Motion for Relief from Government's Violation of Attorney-Client and Work Product Privileges" [Dkt. # 95] is DENIED. Defendant is DIRECTED to provide the Government with a list stating the name of each attorney to whom he claims an attorney-client relationship and the years during which that relationship existed. The parties then are DIRECTED to confer in good faith to manage the mechanics of the distribution of the relevant potentially privileged documents.

s/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: September 23, 2012

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, September 23, 2012, by electronic and/or ordinary mail.

s/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522